

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

TIMOTHY SCHOFIELD,)	
)	
Plaintiff,)	
)	
v.)	No. 2:12CV28 NAB
)	
ROY HOPKINS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on remand from the Eighth Circuit Court of Appeals, in which the appellate court directed this Court to reinstate plaintiff's claims against defendant Roy Hopkins. The formal mandate has now been issued. As a result, the Court will direct the Clerk to issue summons as to Hopkins. Additionally, the Court notes that plaintiff has not paid his initial partial filing fee as directed by the Court on April 26, 2012.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall issue process or cause process to issue as to defendant Roy Hopkins.

IT IS FURTHER ORDERED that plaintiff shall pay an initial partial filing fee of \$29.51 within twenty-one (21) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to timely pay the initial partial filing fee, the Court will dismiss this action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.

Dated this 13th day of November, 2012.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE